

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, for the  
use and benefit of MARTINEZ SERVICES,  
INC., *et al.*,

Plaintiffs,

v.

ADVANCED TECHNOLOGY  
CONSTRUCTION CORPORATION, *et*  
*al.*,

Defendants.

CASE NO. C22-01061-LK

ORDER GRANTING STIPULATED  
MOTION TO STAY  
PROCEEDINGS PENDING  
ARBITRATION AND ALLOWING  
LIMITED THIRD PARTY  
DISCOVERY

This matter comes before the Court on the parties' stipulated motion for an order staying the proceedings pending arbitration and allowing limited third-party discovery during the stay. Dkt. No. 15.

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936). In considering whether to grant a stay, courts consider several factors, including

1 the possible damage which may result from the granting of a stay, the hardship or  
2 inequity which a party may suffer in being required to go forward, and the orderly  
3 course of justice measured in terms of the simplifying or complicating of issues,  
4 proof, and questions of law which could be expected to result from a stay.

5 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962).

6 Pursuant to an arbitration provision in the parties' subcontract relating to a construction  
7 project, the parties are currently engaged in arbitration with the American Arbitration Association.  
8 Dkt. No. 15 at 2. The parties agree that a stay is warranted pending the outcome of the arbitration.  
9 *Id.* They further agree that third-party discovery, including subpoenas, should be allowed during  
10 the stay because it will enable them to efficiently pursue and adjudicate the issues. *Id.* at 2–3.

11 The Federal Arbitration Act, 9 U.S.C. § 3, permits federal courts to stay proceedings where,  
12 as here, there is an issue referable to arbitration under a written agreement. There does not appear  
13 to be any possible harm that may result from granting a stay, in part because limited third-party  
14 discovery will be allowed to continue. Moreover, a stay will promote judicial economy and  
15 conserve resources.

16 For the foregoing reasons, the Court GRANTS the parties' stipulated motion to stay  
17 pending arbitration. Dkt. No. 15. All activities in this case, with the exception of limited third-  
18 party discovery including subpoenas, are stayed until the arbitration proceedings have concluded  
19 without prejudice to any party seeking to have the stay lifted at any time or by agreement of all  
20 parties. All deadlines in this matter are hereby stricken pending the conclusion of arbitration. The  
21 parties must file a joint status report within 30 days of the conclusion of the arbitration to notify  
22 the Court whether the matter can be dismissed or whether they seek to lift the stay.

23 Dated this 12th day of September, 2022.

24 

Lauren King  
United States District Judge